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EXAMINER

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Please find below and/or attached an Office communication concerning this application or proceeding.

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/817,944
Filing Date: March 27, 2001
Appellant(s): BEDINGFIELD, JAMES C.

Timothy G. Newman
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 09/27/10 appealing from the Office action mailed 04/26/10.

(1) Real Party in Interest

A statement identifying by name the real party of interest is contained in the brief.

(2) Related Appeals and Interferences

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

U.S. Application No. 10/961,870

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

Claims 1, 3, 4, 6, 7, 10, 11, 13, 16, and 18-23 are rejected.

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

5,937,160	DAVIS et al	08-1999
6,405,245	BURSON et al	10-1999
2003/0028608	PATTERSON	01-1999
6,272,532	FEINLEIB	12-1998

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

Claims 1, 3, 4, 6, 7, 10, 11, 13, 16, and 18-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis et al. (hereinafter Davis, US Patent Number 5,937,160, issued on August 10, 1999) in view of Burson et al. (hereinafter Burson, US Patent Number 6,405,245, filed October 27, 1999), further in view of Patterson (US Patent Application Publication Number 2003/0028608, filed on January 15, 1999), further in view of Feinleib (US Patent Number 6,272,532, filed December 2, 1998).

Regarding independent claim 1, Davis discloses a method in which an update profile is accessed which contains a named directory location (URL), an update frequency for that URL, an e-mail address, and a update type (port) (column 10, line 55-column 11, line 12 and column 13, line 51-column 14, line 64 of Davis). Davis discloses that different ports (sections which consist of graphics and/or text) of the website may be specifically designated by the update profile (column 1, lines 36-51 and column 10, line 20-column 11, line 12 of Davis). Davis discloses that a determination about whether that URLs content is to be updated is made based on the update frequency (column 13, line 51-column 14, line 64 of Davis). If the URL needs to be updated a user is notified via e-mail at which point the user accesses the page which causes the server to retrieve a copy of the page and present it to the user, the pages content comprising graphics and text (Figure 14D and column 13, line 51-column 14, line 64 of Davis). The user then submits a revised copy of the page via email at which point the server updates the URL based on the revised copy (column 2, line 36-column 3, line 35 of Davis). Davis does not explicitly disclose that the update type is a random update type specifying a random portion of content to be updated. However, Burson discloses an intermediary website containing portions

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of PI (personal information) from multiple providers that is updated based on 1 of 3 types of update policies, one of which is a pseudo-random policy (column 11, lines 15-37 of Burson). In this policy each portion of the intermediary website is updated at random times from the PI provider's content, thus making each update performed an update on a random portion of the intermediary website (column 12, line 6–column 13, line 5 of Burson). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Davis with the teachings of Burson because it would have allowed for greater flexibility of the use of each of the portions of the web page (column 13, line 64–column 14, line 7 of Burson).

Neither Davis nor Burson explicitly disclose a method in which a copy of the content is sent between the user and the server as an e-mail attachment. However, Patterson discloses a method in which web content may be sent as an attachment in an e-mail (page 2-3, paragraphs 0026-0030 of Patterson). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the method of Davis and Burson of updating web content between a client and a server with the method of Patterson of transmitting web content via e-mail attachment because it would have allowed the user to be supplied with the content to be updated without interrupting the current operations being performed by the user.

None of Davis, Burson, or Patterson explicitly disclose sending a reminder e-mail if the user failed to reply the first e-mail. However, Feinleib discloses sending an e-mail regarding a task to be performed and if the e-mail is replied to a reminder e-mail can be sent at a later time to remind the user to complete the task (column 3, lines 17-33 of Feinleib). In order to complete the task, the user must reply to the reminder e-mail (column 4, line 64–column 5, line 17 of

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Feinleib). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Davis, Burson, and Patterson with the notoriously well-known teachings of Feinleib for sending reminder e-mails because it would have allowed for user's to receive helpful reminders in order to complete pending and overdue tasks in order to help productivity.

Regarding dependent claims 3 and 4, Davis discloses a method in which the web site content includes an update log and that the log is updated whenever a page is last checked and last updated (column 13, line 51-column 14, line 64 of Davis).

Regarding dependent claim 6, Davis discloses a method in which an update profile comprises a web page on a web site (column 13, line 51-column 14, line 64 of Davis).

Regarding independent claim 7 and dependent claim 10, the claims incorporate substantially similar subject matter as claims 1 and 6. Thus, the claims are rejected along the same rationale as claims 1 and 6.

Regarding independent claim 11, Davis discloses a method in which a server, having non-volatile memory and software for updating and e-mailing resident on the server (column 6, line 7-column 8, line 39 of Davis), has a way to communicate with a named party and a web hosting server accesses an update profile which contains a named URL, an update frequency for that URL, an e-mail address, and a update type (port) (column 10, line 55-column 11, line 12 and column 13, line 51-column 14, line 64 of Davis). Davis discloses that different ports (sections which consist of graphics and/or text) of the website may be specifically designated by the update profile (column 1, lines 36-51 and column 10, line 20-column 11, line 12 of Davis). Davis discloses that a determination about whether that URLs content is to be updated is made

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based on the update frequency (column 13, line 51-column 14, line 64 of Davis). If the URL needs to be updated a user is notified via e-mail at which point the user accesses the page which causes the server to retrieve a copy of the page and present it to the user, the pages content comprising graphics and text (Figure 14D and column 13, line 51-column 14, line 64 of Davis). The user then submits a revised copy of the page via email at which point the server updates the URL based on the revised copy (column 2, line 36-column 3, line 35 of Davis). Davis does not explicitly disclose that the update type is a random update type specifying a random portion of content to be updated. However, Burson discloses an intermediary website containing portions of PI (personal information) from multiple providers that is updated based on 1 of 3 types of update policies, one of which is a pseudo-random policy (column 11, lines 15-37 of Burson). In this policy each portion of the intermediary website is updated at random times from the PI provider's content, thus making each update performed an update on a random portion of the intermediary website (column 12, line 6-column 13, line 5 of Burson). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Davis with the teachings of Burson because it would have allowed for greater flexibility of the use of each of the portions of the web page (column 13, line 64-column 14, line 7 of Burson).

Neither Davis nor Burson explicitly disclose a method in which a copy of the content is sent between the user and the server as an e-mail attachment. However, Patterson discloses a method in which web content may be sent as an attachment in an e-mail (page 2-3, paragraphs 0026-0030 of Patterson). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the method of Davis and Burson of updating web

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content between a client and a server with the method of Patterson of transmitting web content via e-mail attachment because it would have allowed the user to be supplied with the content to be updated without interrupting the current operations being performed by the user.

None of Davis, Burson, or Patterson explicitly disclose sending a reminder e-mail if the user failed to reply the first e-mail. However, Feinleib discloses sending an e-mail regarding a task to be performed and if the e-mail is replied to a reminder e-mail can be sent at a later time to remind the user to complete the task (column 3, lines 17-33 of Feinleib). In order to complete the task, the user must reply to the reminder e-mail (column 4, line 64-column 5, line 17 of Feinleib). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Davis, Burson, and Patterson with the notoriously well-known teachings of Feinleib for sending reminder e-mails because it would have allowed for user's to receive helpful reminders in order to complete pending and overdue tasks in order to help productivity.

Regarding dependent claim 13, Davis discloses a method in which an update profile comprises a web page on a web site (column 13, line 51-column 14, line 64 of Davis).

Regarding dependent claim 16, Davis discloses a method in which the web site content includes an update log and that the log is updated whenever a page is last checked and last updated (column 13, line 51-column 14, line 64 of Davis).

Regarding dependent claims 18 and 20, Davis discloses that the revisions to the website content may include text formatted content and the updating includes mapping the text to hypertext markup language (column 10, line 55-column 11, line 12 of Davis).

Regarding dependent claim 22, Davis discloses that the revisions to the website content may include text formatted content and the updating includes mapping the text to hypertext markup language (column 10, line 55-column 11, line 12 of Davis).

Regarding dependent claims 19, 21, and 23, Davis discloses that different ports (sections which consist of graphics and/or text) of the website may be specifically designated by the update profile (column 1, lines 36-51 and column 10, lines 20-29 of Davis).

(10) Response to Argument

Appellant's arguments filed 09/27/10 have been fully considered but they are not persuasive.

-In regard to the independent claims, Appellant argues that neither of the cited references teach or suggest determining that a named party has failed to reply to an electronic message. Specifically, with reference to the Feinleib patent, the Appellant argues that Feinleib does not teach transmitting a reminder electronic message to the user if the user fails to replay to an earlier electronic message but rather only teaches that a reminder date is set based on an email from the user. The Examiner respectfully disagrees with the Appellant.

First, the Davis reference clearly teaches establishing an update frequency for contents of a selected web page and in addition teaches automatically generating email update reminders to content providers responsible for the content of the web page (column 14, lines 1-45: "HTML source file name...person responsible for above page content...Person's email address...update frequency...used to automatically generate reminders to content providers...Web page update has been processed"). The Examiner agrees that Davis does not teach what happens if the named

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party fails to reply to the email reminder to update the content. However the Feinleib reference clearly teaches said feature. Feinleib teaches a project workflow management system whereby a user can define an electronic message to be sent to a named party. To do this a user creates an email message that includes a message set that encompasses all the necessary information to generate and send an electronic reminder (column 1, lines 65-67: “designed for project...management”; column 2, lines 41-56: “generates electronic reminder messages from universal, non-propriety email message input...message submitter submits an email message...for the purpose of reminding a message receiver”). Fig. 3 shows such an email message created by a message submitter. The reminder set 36 of Fig. 3 contains the subject and text of the reminder (“XYZ Proposal” and “Our proposal to XYZ is due 12/1/98”), the address of the reminder recipient (“terrence@doe.com”), as well as the date and time to send the reminder (“11/18/98 8:00am”)(column 2, lines 8-16: “reminder message set includes...a date, recipient and text...time, subject, and reminder resending data...constructs and sends the electronic reminder...reminders are preferably sent as email messages”; column 3, lines 10-40: “date and time to send the reminder”). The reminder set also includes information on date and time to resend the reminder (“+7”) which indicates that the reminder be resent, a second time, 7 days after Nov. 18th 1998 (column 3, lines 19-25: “date to resend the reminder...reminder to be resent, a second time, 7 days after”). Therefore Feinleib clearly teaches that an initial reminder message (i.e. the first electronic message) is sent to a specific named party at a specified time and that at a predetermined later time the reminder message is resent (i.e. the reminder electronic message) to the specific named party. Thus if the named party does not reply to the first electronic message a second message is sent to the same named party. As shown by Fig. 4, the

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electronic reminders generated and sent to any named party are in the form of email messages (Fig. 4)(column 2, lines 15-19: “electronic reminders are preferably sent as email messages”).

Feinleib further teaches that to prevent the second reminder from being sent the named party can reply to the first electronic message and indicate that the task that had been indicated in the electronic message had been completed (Fig. 5)(column 4, line 64-column 5, line 27: “assist in project management...completion command...email which also includes the reminder ID...reply to an electronic reminder...send a completion notice to submitter...program will advance or delay the dates for all other related reminders entered into the system to move a project forward”). When a named party replies to an initial electronic message with an indication of the task being complete, the dynamic system of Feinleib can either manually or automatically configure all the other related reminders entered into the system (column 4, lines 26-36; column 5, lines 1-27: “program will advance or delay the dates for all other related reminders entered into the system to move a project forward”). In this way a named party who responds to an initial electronic message about a given task is not reminded again to complete the task if said user has already completed the task. Appellant is incorrect in stating that Feinleib is completely silent as to what actions are taken by the system if the user does not reply to the reminder message. Feinleib system specifically teaches that if the user does not respond/complete a task defined in the first reminder message, the system of Feinleib will resend the reminder message at an identified later date and time (column 2, lines 9-11: “reminder resending dates”; column 2, lines 8-25: “date to resend the reminder...reminder to be resent, a second time, 7 days later”). This secondary reminder is automatically processed by the reminder program executing on the central computer (column 4, lines 26-36). In general it is unclear to

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the Examiner how the Appellant believes the Feinleib reference supposedly teaches away and/or teaches the exact opposite of the claims.

-In regard to the independent claims 1 and 7, Appellant generally argues that the neither of the cited prior art references teach or suggest retrieving a random portion of the content on the web site due to be updated and submitting the copy to the named party.

1) Appellant specifically argues that Davis shows retrieving and presenting attributes of a web site, not retrieving and submitting content on the web site due to be updated. The Examiner respectfully disagrees. The Examiner recognizes that Figures 12A-D represent retrieving, presenting, and modifying attributes of a given Web page by a user. Figures 12A-D represent the interface by which users/administrators of web pages can manage the multiple providers of web page content on their web pages (column 13, line 51-column 14, line 45: "Information Management System...facilitates managing multiple providers of Web page content changes"). The content providers that provide the actual content for updating said web pages are indicated by said attributes. As noted above in the rejection, the Examiner has not relied upon Figures 12A-D to teach retrieving and submitting content, but have been relied upon to teach a part of the claimed update profile that indicates the web page to be updated, the content provider for updating the content, an email address of the content provider for updating the content of the web site, the update type, and the update frequency. As shown in Figures 12A-D, an administrator can select the corresponding web page to be updated, the specific person/content provider for updating the web page, the email address of said specific person/content provider, the update frequency, and the update type (column 14, lines 1-45). As

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noted above in the rejection, in order for the content provider to update the appropriate web site sections to which they are responsible for, the content provider must access the URL of the website to retrieve a copy of the page from the server and present it to the user (column 1, lines 38-50)(Fig. 7). The copy of the content of the web site to be updated specifically includes different ports (i.e. different sections of content of the web page) to be updated. The different ports are defined by specific tags inserted into the content of the web site wherein each port may be accessed by one or more authorized content providers for updating and wherein the ports may be updated independently without disturbing other portions of the web page (column 10, line 20-column 11, line 12: "Web page...to be updated...includes one or more ports positioned within the web page....allows content providers to access a defined area of the Web page and to make changes and addition to the content there-within....port may also encompass the entire area of a web page....port represented by the <RPM> tag....identify where content portions are to be inserted...each port has a unique configuration file"; column 13, lines 42-49: "many ports...accessed by one or more authorized content providers"). The Examiner agrees with the Appellant that Figure 14D shows the HTML file that has already been changed, but as noted above in the rejection, Figure 14D has been relied upon to teach that the pages content could comprise graphic and text. The copy of the content that the content provider accesses based on the selected URL designated web page is shown in Fig. 7. Fig. 7 shows the web page to be updated in accordance with the designated ports already inserted into said web page (column 10, lines 20-54). Figs. 13A and 14A disclose an email message sent from a content provider back to a server for updating the web page at the server, wherein the email messages included the required content changes to the web site (column 16, lines 1-22 & 34-55: "e-mail message

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containing web page content changes...appropriate ports are identified that will be provided the content changes”). Because the content provider is providing the server the necessary updated content portions for the web page to be updated it is clear that the content provider had a copy of said portions to update. However, as noted above in the rejection of the claims, the Examiner has not relied upon Davis alone for submitting content of the web site to the named content provider. The Patterson reference has been cited to teach that the selected content of the web page to be updated would/could be sent to the content provider via an email attachment to be incorporated into the update reminder email sent to the content provider as shown in Davis. In this way the content provider of Davis would not have had to access the specific URL of the web page to be updated in order to obtain a copy of the page and would gain the benefit of allowing the user to be supplied with the content to be updated without interrupting the current operations being performed by the user (Patterson: Paragraph 27-29: “without interrupting”).

2) Appellant also specifically argues that Burson shows presenting a user with updates of all portion of a web site at the same time, not submitting a random portion of the web site to a named party. Again, the Examiner respectfully disagrees with the Appellant. Burson has been relied upon to teach the well known concept of retrieving/updating content on a web site based on a random update type whereby a random portion of the content on the web site was accessed and retrieved. The part of Burson that Appellant specifically quotes relates to displaying the retrieved personal information content to users, but the Appellant ignores the random portion of content retrieval/updating as taught in Burson. Burson taught a personal information engine (Fig. 5: 240) for accessing and updating personal information for a selected end user (column 9,

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lines 42-58). Burson taught that in order to provide personal information to an end user-quickly, when the end user requested access to all his/her updated information (column 10, line 45-column 11, line 15: "data harvesting...update all the end user's PI...optimize the schedule...factors in the provider's update policy...PI is harvesting as infrequently as possible"), a pseudo-random updating model/policy (column 11, lines 15-36: "adaptive harvesting scheduler...updated in a pseudo-random manner") could be utilized (column 12, lines 6-43: "provider updates a user's account in a non-deterministic manner...directly receives the end user's PI updated as required"). In general Burson teaches that a random updating model for updating content provided to an intermediary Web site was well known in the art at the time of the invention. Burson taught that such a updating model/policy provided the well known benefits of minimizing system resource consumption, smarter harvesting, minimizing peak loading and bandwidth consumption (column 10, line 56-column 11, line 15: "minimizing...consumption...smarter harvesting...peak loading...bandwidth) and for allowing greater flexibility of the use of each of the portions of the web page (column 4-11: "greater flexibility...significant utility").

-In regard to the independent claim 11, Appellant argues that neither of the cited references show selecting a random portion of the content and submitting the random portion to the named party. Appellant's arguments are substantially similar to those presented above with regard to independent claims 1 and 7. As noted above, the Examiner respectfully disagrees with the Appellant and clearly shows wherein the combination of Davis and Burson teach selecting a random portion of the content from a web server and submitting the random portion to the named

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party. Additionally as shown above, the Examiner notes that the Patterson reference has also been relied upon to teach certain aspects of the features argued by Appellant.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Adam L Basehoar/

Primary Examiner, Art Unit 2178

12/01/2010

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